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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 JOSE NOLASCO,

No. C 04-01095 SI

9 Plaintiff,

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

10 v.

11 AMERICAN AIRLINES,

12 Defendant.

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14 On June 18, 2004, this Court heard argument on defendant's motion to dismiss plaintiff's claim for
15 wrongful termination. To proceed in Court under a statutory claim for discrimination, plaintiff must produce
16 a notice of right to sue from the California Department of Fair Employment and Housing (DFEH). Plaintiff
17 represented that no right to sue letter has been received. Further, it appears that no complaint has yet been
18 processed by the DFEH. Plaintiff stated the intention to undertake further proceedings with the DFEH in an
19 effort to have a claim filed *nunc pro tunc* and to obtain a right to sue letter. The Court hereby GRANTS
20 defendant's motion to dismiss without prejudice to refile later. The Clerk shall close the file.

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22 **IT IS SO ORDERED.**

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24 Dated: June 21, 2004

s/Susan Illston
25 SUSAN ILLSTON
26 United States District Judge
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